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**JUN 27 2003**

**OFFICE OF PETITIONS**

In re Application of  
Michael A. Arkes  
Application No. 09/414,951  
Filed: October 8, 1999  
Attorney Docket Number: 202143  
Title: INCENTIVE POINTS REDEMPTION  
PROGRAM CARRIED OUT VIA AN ON-  
LINE AUCTION

DECISION ON PETITION

This is a decision on the petition filed on June 19, 2003, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit a proper response to the Final rejection of September 23, 2002, which set a statutory period for reply of three (3) months. On March 11, 2003, an after-final amendment was received, along with a three-month extension of time under the provisions of 37 §CFR 1.136(a) to make timely this reply. The amendment was not deemed to place the application in condition for allowance, and as such, an

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

advisory action was mailed on June 4, 2003. Accordingly, the above-identified application became abandoned on March 24, 2003.

With the instant petition, the petitioner has met the requirements to revive the above-identified application, pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of the filing of a Notice of Appeal, the payment of the associated fee, the payment of the petition fee, and has made the proper statement of unintentional delay.

The Notice of Appeal filed on June 19, 2003, has been entered and made of record. Accordingly, **the two (2) month period for filing the Appeal Brief, in triplicate, accompanied by the fee required by law, runs from the mailing date of this decision.**

The application file is being forwarded to Technology Center 3600 for processing of the Notice of Appeal.

Telephone inquiries *concerning this decision* should be directed to the undersigned at (703) 305-0011.



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